

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MATTHEW TRAVIS HOUSTON,

Plaintiff,

v.

CALVIN JOHNSON, et al.,

Defendants.

Case No. 2:22-cv-001780-ART-DJA

ORDER

*Pro se* Plaintiff Matthew Houston (“Houston”) brings this action suing multiple defendants for what appears to be a conspiracy that may have resulted in his imprisonment. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Daniel Albregts (ECF No. 8), recommending that this action be dismissed and Houston’s application to proceed *in forma pauperis* (“IFP”) (ECF No. 4) be denied. For the reasons explained below the Court adopts the R&R.

Plaintiff initially filed an application to proceed IFP that contained the following deficiencies: (1) it was on the wrong form; (2) it was intended for a different court; (3) it was incomplete; and (4) it did not attach a complaint. (ECF No. 1). The Court thus denied Plaintiff’s application and ordered him to file a corrected application attaching a complaint on or before November 28, 2022. (ECF No. 3). It warned that failure to comply with the order would result in a recommendation to the district judge that the action be dismissed. (*Id.*). Plaintiff missed his deadline to file a corrected application. On January 5, 2023, he filed an application to proceed IFP. (ECF No. 4). Plaintiff also filed a complaint. (ECF No. 5). But Plaintiff’s complaint is nearly impossible to decipher. He names multiple defendants and alludes to a conspiracy against him which he appears

1 to allege resulted in his imprisonment. The remainder of his complaint includes  
2 disjointed pages that include a dream journal and excerpts from a magazine.  
3 Plaintiff has failed to comply with the Court's previous order by filing his  
4 application late. His complaint also includes delusional allegations.

5 Based on the aforementioned reasons, Judge Albregts recommended  
6 dismissal of the case and denial of the IFP application. Houston subsequently  
7 filed an objection (ECF No. 10) and four other motions (ECF Nos. 11; 12; 13 and  
8 14) asking for, inter alia recusal of Judge Albregts. The objections and motions  
9 themselves are generally disjointed and fantastical.

10 The Court "may accept, reject, or modify, in whole or in part, the findings  
11 or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where  
12 a party fails to object to a magistrate judge's recommendation, the Court is not  
13 required to conduct "any review at all . . . of any issue that is not the subject of  
14 an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*  
15 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the  
16 magistrate judges' findings and recommendations is required if, but *only* if, one  
17 or both parties file objections to the findings and recommendations.")(emphasis  
18 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
19 the Court "need only satisfy itself that there is no clear error on the face of the  
20 record in order to accept the recommendation.").

21 Houston filed an objection but functionally the R&R is unobjected to. The  
22 objection and the motions viewed in isolation or collectively are  
23 incomprehensible and do not articulate a basis to reject the R&R. Because there  
24 is functionally no objection, the Court need not conduct de novo review, and is  
25 satisfied Judge Albregts did not clearly err. The Court would reach the same  
26 conclusion under any standard of review. Having reviewed the R&R and the  
27 record in this case, the Court will adopt the R&R in full.

1 IT IS THEREFORE ORDERED that Judge Albregts Report and  
2 Recommendation (ECF No. 8) is ACCEPTED AND ADOPTED IN FULL;

3 IT IS FURTHER ORDERED that Plaintiff's action is DISMISSED WITHOUT  
4 PREJUDICE;

5 IT IS FURTHER ORDERED that Plaintiff's motion to proceed *in forma*  
6 *pauperis* is DENIED AS MOOT;

7 IT IS FURTHER ORDERED that Plaintiff's motions (ECF Nos. 11; 12; 13  
8 and 14) are DENIED AS MOOT;

9 IT IS FURTHER ORDERED that the Clerk of Court ENTER JUDGMENT  
10 accordingly and CLOSE this case.

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12 DATED THIS 2nd Day of March 2023.

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15 ANNE R. TRAUM  
16 UNITED STATES DISTRICT JUDGE  
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